

REMARKS

In the Office Action, the Examiner rejected the claims under 35 USC §103. These rejections are fully traversed below.

Claims 1-23 remain pending. Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected the claims under 35 USC §103 as being unpatentable over Das et al, U.S. Publication No. US 2002/0026527, ('Das' hereinafter) in view of Hsu al, U.S. Patent No. 6,674,734, ('Hsu' hereinafter). This rejection is fully traversed below.

The Examiner admits that Das fails to disclose or suggest an H.323 gateway. The Examiner seeks to cure the deficiencies of Das with Hsu.

Hsu does generally disclose the use of a H.323 gateway, as well as a H.323 gatekeeper. See col. 1, lines 44-67. However, it is important to note that Hsu indicates that the gateway is an optional element when implementing the H.323 standard. See col. 1, lines 44-45. In addition, Hsu relates to "the relocation of a gatekeeper during a call." See col. 2, lines 45-50. In addition, Hsu discloses performing a "hand-off" among gatekeepers. See col. 3, lines 1-58. Hsu is effectively silent as to the role of a H.323 gateway in the disclosed system. Combined with the fact that Hsu indicates that the gateway is an "optional" element when implementing the H.323 standard, Hsu indicates that the H.323 gateway is not pertinent to the disclosed embodiments. As such, Hsu teaches away from using or identifying a H.323 gateway in any manner, and therefore teaches away from identifying a H.323 gateway on the foreign network in an agent advertisement.

In the background section of Applicant's specification, the role of a gatekeeper is set forth. As disclosed, "the gatekeeper typically provides an IP address associated with the appropriate H.323 gateway...." See page 5, lines 17-19. In addition, "In a Mobile IP environment, when a node roams to a Foreign Agent on a foreign network, calls are often set up through a gatekeeper on the roaming node's home network. This gatekeeper will then select an H.323 gateway to the PSTN that is located on the home network associated with the roaming node's Home Agent. However, it is important to note that the distance between the Home Agent and the Foreign Agent may be substantial. Moreover, voice is particularly sensitive to latency. In view of the above, it would be desirable to improve the routing path in order to optimize voice over IP in a Mobile IP environment." See page 5, line 20 – page 6, line 3. Neither of the cited references, separately or in combination, discloses or suggests the problem associated with selecting an H.323 gateway that is located on the home network in a

Mobile IP environment in which traffic such as voice traffic is transmitted. Similarly, neither of the cited references, separately or in combination, discloses or suggests modifying the manner in which an H.323 gateway is typically selected in a Mobile IP environment.

The claimed invention optimizes voice over IP in a Mobile IP environment. This is accomplished, in part, by using a local H.323 gateway on the foreign network rather than an H.323 gateway on the home network, when possible. See summary. In addition, rather than obtaining an IP address of the H.323 gateway from a H.323 gatekeeper, the IP address of a local H.323 gateway is obtained from an agent advertisement transmitted by a Foreign Agent. Neither of the cited references, separately or in combination, discloses or suggests identifying an H.323 gateway on the foreign network in an agent advertisement transmitted by a Foreign Agent. As such, the combination of the cited references would fail to be operable for the intended purpose (e.g., optimizing voice over IP by identifying a local H.323 gateway in an agent advertisement). As such, Applicant respectfully submits that the claims are patentable over the cited references.

The dependent claims depend from one of the independent claims and are therefore patentable over the cited references for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited references. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISCP150).

Respectfully submitted,

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